

Rolette County Law Enforcement Center | 2020



**North Dakota Department of Corrections and Rehabilitation
Division of Transitional Facilities
Office of Facility Inspections**

Facility	Rolette County Law Enforcement Center
Facility Administrator	Titus White Body
Facility Website Address	www.rolettecounty.com
DOCR Inspector(s)	Lance Anderson, Robert Werlinger
Assigned Facility Grade	3
Maximum Rated Capacity	48
Current Inmate Count	5
Date of Inspection	November 3, 4, 2020

The North Dakota Department of Corrections and Rehabilitation ("DOCR") inspected the Rolette County Law Enforcement Center on November 03, 04, 2020. The inspection was made in accordance with N.D.C.C. §§ 12-44.1-24, 12-44.1-25, with the North Dakota Correctional Facility Standards revised January 2020, and the statutory requirements in N.D.C.C. Ch. 12-44.1.

Lance Anderson, Deputy Director of Facility Inspections, and Robert Werlinger, Correctional Facility Inspector, conducted the inspection of the facility. The previous inspection of the facility was conducted on October 24, 2019.

This report is published at: <https://docr.nd.gov/about/correctional-facility-standards-inspections>

REPORT SUMMARY

A. Facility Description

The Rolette County Law Enforcement Center (RCLEC) is a grade three (3) correctional facility under N.D.C.C. - S.S.12-44.1-06; the jail is located at 16 1st St. SW, Rolla, North Dakota 58367. Rolette County is operated under the authority of the Rolette County Sheriff Nathan A. Gustafson. Sheriff Nathan A. Gustafson, Jail Administrator Titus White Body, and the Rolette County Law Enforcement Center are under the governing authority of the Rolette County Commissioners.

The facility is contained in one (1) building and consists of one-level. The facility includes the county sheriff offices, 911/dispatch center, and a 48-bed correctional center. RCLEC physical plant consists of a vehicle sally port, four (4) housing units, a booking area, and two (2) observation cells. The facility also has a control room, 911 dispatch center, administrative space, kitchen, laundry, medical treatment area, an indoor recreation room with louvers for outside air, IVN room with a law library, interview rooms, restroom, booking area, a storage room, property storage room, an electrical/maintenance area, janitor's closet, and a chemical/cleaning storage

closet. The administrative spaces consist of the jail administrator office, 911 coordinator office, emergency management office, law enforcement offices, lobby, file room, interview room, evidence room, and janitor closet. Services available to offenders include AA, ministry programs, medical, commissary, food service, laundry, and library. Additional administrative offices are located throughout the facility.

RCLEC housing units include maximum, medium, and minimum custody classifications. Additional classification levels are protective custody and special management units. All offenders are housed based upon their needs and their respective level of classification. RCLEC houses male and female inmates up to one (1) year or until an inmate's court cases are completed. Breakfast, lunch, and supper meals are prepared and provided by a food service contractor. Offenders eat their meals within the dayrooms of their unit. The delivery of services within the facility is an effort to reduce the likelihood of confrontations between offenders, and the facility is designed to minimize offender movement.

RCLEC facility has a maximum capacity of forty-eight (48) inmates housed within four (4) units. The housing units are similarly situated with an upper and lower tier. Stairs in the dayrooms access the upper tier cells. Each cell is double-bunked and has a washbasin and a toilet. Each unit has large, heat-treated, double-sided, tempered safety glass windows. These windows restrict visibility from the inside of the housing unit and gives the control room a direct view into some of the units. Unit (A) contains one (1) double-bunk cell on the lower tier and two (2) double-bunk cells on the upper tier. Unit (A) has a shower on the lower tier. Unit (B) is a dorm unit and contains three (3) double-bunks on the lower tier and three (3) double-bunks on the upper tier. Unit (B) has a shower on the upper and lower tier. Unit (C) is a dorm unit and contains four (4) double-bunks on the lower tier and four (4) double-bunks on the upper tier. Unit (C) has a shower on the upper and lower tier. Unit (D) contains two (2) double-bunk cells on the lower tier and a sub-dayroom so that inmates within the lower tier can be separated from inmates housed in the upper tier. The top tier contains three (3) double-bunk cells. The lower tier comprises of the dayroom located in the front of the housing unit and a private shower located at the left or right side in each of the housing units. The design of each shower unit allows the offenders to have privacy for showering. All the housing units and pods are different in size and layout. Offenders assigned to a unit does not have contact with offenders in other units. Each unit has basic furnishings: television, kiosks, phones, and multi-purpose areas. All housing units had adequate and appropriate seating for the number of inmates that make use of each unit. All housing units have access to natural lighting and illumination sufficient for comfortable reading in the living areas. All furnishings are appropriate to the custody level of inmates assigned in each housing unit. The facility has an open dormitory setting, providing consistent routine access throughout the non-sleeping hours. The furnishing was appropriate to accommodate the offender's population in each of the dorm units, making it unnecessary to provide additional desks/writing surfaces and chairs/stools inside the immediate sleeping areas. All of the fixed furnishings appeared to be in good condition. The dayrooms allow offenders to congregate, watch television, use the telephone system, and have access to a kiosk system for visitation, ordering of commissary, inmate handbook, and the law library.

Offenders are processed through pre-booking, which is the first stage of booking. The pre-booking area has a shower and a toilet. The offender must be searched and shall be changed into correctional center clothing before going to the booking area. There are two (2) observation/safety cells in booking and a dayroom adjacent to the observation/safety cells. The two (2) observation/safety cells in the booking area are doubled-bunked and have a washbasin and toilet in each cell. The observation/safety cells are located near the booking officer station. The observation/safety unit has a dayroom with windows, which gives the booking officer a direct view into the dayroom. The booking officer does not have direct visual observation into the cells from the booking station. Personal visual observation is accomplished through by correctional officers through observation rounds. This is complemented by electronic camera(s), which are

continuously monitored in the control room/ dispatch center. The observation/safety cells are used for offenders under the influence of alcohol or drugs, who display violent behavior, self-harm, or inability to exercise self-control. A medical office and an interview room, an IVN room with a law library, and a property storage room are located within the booking area.

The lobby of the facility is monitored twenty-four (24) hours a day by the 911-dispatch center. The control room and law enforcement dispatch center monitor activities from sixty-eight (68) cameras located throughout the facility. The correctional facility inspectors could not find where electronic surveillance was a substitute for periodic personal observation by facility employees. RCLEC has seven (7) phones located throughout the facility for the offender's use. Each housing unit is equipped with an intercom that allows offenders to communicate with staff in the control room. RCLEC has two (2) handheld metal-detecting wands.

The control room and the 911-dispatch center are in separate rooms adjacent to each other; you must pass through the 911-dispatch center to get to the control room. The 911-dispatch center is located within the facility with no direct line of sight into housing units. The 911-dispatch center is dedicated to law enforcement dispatch. The control room manages the operation of the entrance and exit of doors throughout the jail. RCLEC has a vehicle sally port that can provide entry for up to one (1) vehicle.

Rolette County Law Enforcement Center has an authorized staff consisting of Jail Administrator Titus White Body fourteen (14) full-time security staff and maintains staffing levels of one (1) employee to three (3) offenders. The average length of stay for inmates is forty-two (42) days. Six hundred eight (608) male offenders and two hundred eighty-three (283) female offenders were processed for 2019. The front entrance provides for entrance and exit to the public. RCLEC maintains active verbal and contractual agreements to house offenders from different jurisdictions, including; Bureau of Indian Affairs, cities of Dunseith, Rolla, Rolette, St. John, and Towner.

Rolette County Law enforcement Center has established guidelines for COVID-19 that address housing, quarantine, and healthcare issues. RCLEC guidelines are (1) implemented revised bond schedule to help reduce the rate of incarceration, (2) utilizing "cite and release" for people charged with misdemeanors, (3) protecting meaningful access to counsel and pretrial support, (4) providing appropriate care and hygiene to those who remain incarcerated, and (5) increase the level of sanitation requirements throughout the facility. RCLEC's long-term goals are to protect the health and safety of incarcerated individuals, staff, visitors, and the community at large.

B. Sanitation

The correctional facility inspectors found sanitation and cleanliness needed attention throughout the facility. The inspection found that sinks and toilet cleanliness and maintenance needs in unoccupied living units needed to be addressed. The correctional facility inspectors found that the offenders were provided with equipment and materials necessary to clean their assigned areas. The correctional facility inspectors found that waste and trashcans are emptied at least one (1) occurrence every day and as often as needed. For vermin or insects, RCLEC has retained a professional exterminator. At the time of inspection, the correctional inspectors found two (2) utility rooms containing mouse droppings. This issue was addressed immediately. The correctional facility inspectors did not find any disagreeable odors in the facility, and the offenders had access to hot and cold running water. Noise levels and temperatures were within the normal levels throughout the facility.

RCLEC should consider improving its preventative maintenance program to maintain equipment. This program should maintain an accurate account of parts and supplies needed, and scope of repairs. Maintenance issues varied across different areas within the facility. Inspectors identified items that serve as essential functions and having excessive wear. The inspectors noted that no

single measure can be used to evaluate a maintenance program, however insufficient maintenance will lead to higher future costs and may lead to areas of the facility being unusable.

C. Audit Scope and Methodology

Documentation reviewed for this inspection includes facility policies, procedures, forms, educational materials, grievances, training curriculum, employee training records, inmate booking files, inmate property receipt, organizational chart, posters, PREA brochures, PREA audit, inmate handbook, operation manuals, litigation, notice of claims, and significant incidents. These materials were provided to demonstrate compliance with the North Dakota Correctional Facility Standards. The correctional facility inspectors did not examine budgetary records or official findings aside from what was provided. For the facility inspector observations, we used a limited judgmental sample and relied on our professional judgment as inspectors to conclude findings. The correctional facility inspectors had complete access to the facility.

Summary of Inspection Findings

Based on the inspection, interviews, and documentation review, the DOCR finds the Rolette County Law Enforcement Center in compliance with North Dakota Correctional Facility Standards. During the facility's inspection and the interim report writing and corrective action period, the DOCR inspectors were provided policy changes and informed RCLEC implemented recommendations made during the inspection.

STANDARDS COMPLIANCE CALCULATION	
Compliance with Standards	107
Non-Compliance with Standards	0
Non-Applicable Standards	1
Total	108

Standard 001

Variances

Compliant: Yes

A correctional facility shall comply with the standards adopted by the Department of Corrections and Rehabilitation unless a variance has been granted by the North Dakota Department of Corrections and Rehabilitation ("DOCR"). A request for a variance must be submitted in writing using the DOCR Variance Request Form. A variance may be granted in accordance with N.D.C.C. § 12-44.1-26.

Observations: The facility is in compliance with the standard. RCLEC did not request any variances for 2019.

Standard 002

Applicable Laws

Compliant: Yes

The facility administrator shall comply with all applicable state and federal laws, rules, and regulations, including all requirements of 28 Code of Federal Regulations Part 115 (PREA).

Observations: RCLEC conducted a PREA audit in June 2018.

Standard 003

Grade/Classification/ Population

Compliant: Yes

The Director of the DOCR shall notify the administrator of the approved correctional facility grade classification the approved number of classifications, and total number of people that may be confined in the correctional facility. The Director of the DOCR shall notify the administrator of the

terms of any variances that have been granted.

Observations: RCLEC complies with the standard.

Standard 004

Facility Policy Review

Compliant: Yes

Each requirement for a policy or procedure in the North Dakota Correctional Facility Standards includes the requirement to demonstrate the facility's compliance with its policy. The facility administrator for each correctional facility shall review each policy and the facility's compliance with it at least annually. When necessary, the facility administrator shall update the facility's policies and procedures and make them available in electronic form to the DOCR Office of Facility Inspections upon request.

Observations: Facility inspectors found policies were not reviewed as required by the standard. RCLEC has made some improvements, but continued to be non-compliant at the time of the inspection. RCLEC policies must be reviewed annually and revised as necessary. Policy review and revision is a crucial part of an effective operation. During the interim report writing and corrective action period, the correctional facility inspectors were provided procedural changes to bring the standard into compliance.

Standard 005

Inmate Access to DOCR

Compliant: Yes

Every facility must have a written policy and procedure to permit inmates to contact the DOCR Office of Facility Inspections. The DOCR Office of Facility Inspections contact information shall be made available to inmates.

Observations: RCLEC has posted DOCR contact information on the kiosks located in the units, and the information is available in the inmate handbook.

Standard 006

Self-Inspections

Compliant: Yes

Inspections of correctional facilities must be made pursuant to North Dakota Century Code Chapter 12-44.1 and the North Dakota Correctional Facility Standards. Every facility administrator shall submit a self-completed jail inspection report to the DOCR Office of Facility Inspections at least 30 days prior to the scheduled onsite inspection.

Observations: RCLEC conducted and forwarded a self-inspection to this office for review.

Standard 007

Classification

Compliant: Yes

A correctional facility that contracts with another state or a regional correctional center, county or of another state including for those in transport, shall comply with N.D.C.C. Section 12-44.1-31

Observations: RCLEC procedures demonstrate compliance.

Standard 008

Facility Plans

Compliant: Yes

All construction plans or renovation plans with an estimated expenditure of more than one hundred thousand dollars must have approval from the office of the Director of the Department of Corrections and Rehabilitation before commencement of the project.

Observations: RCLEC did not have any construction or major renovations in 2019.

Standard 009

Facility Plans

Compliant: Yes

All plans for the construction or major renovation of correctional facilities must be in accordance with model correctional facility standards such as the standards published by the American Correctional Association, National Sheriff's Association and the National Institute of Corrections.

Unless otherwise noted, the square footage and physical plant requirements apply to plans approved after January 1, 1992.

Observations: RCLEC did not have any construction or major renovations in 2019.

Standard 010

Gender Separation

Compliant: Yes

Facilities shall adopt a classification system for inmates to provide for the security, safety and order of the facility and for the safety and security of the community. If the facility has adopted a classification system approved by the Department of Corrections and Rehabilitation, the facility is not required to comply with subsections 3,4, and 5 of N.D.C.C. Section 12-44.1-09. Facilities must have a policy and procedure that requires separate male and female housing and includes visual, physical and sound separation between male and female inmates. Adult correctional facilities may not detain juveniles except in exigent circumstances or as allowed by the Office of Juvenile Justice Delinquency Prevention Act. Each facility must have a policy and procedure for the classification and management of juveniles in the event a juvenile has been brought into the facility.

Observations: RCLEC meets the requirements of the standard.

Standard 011

Cell Measurements

Compliant: Yes

A single cell must provide a minimum of 70 square feet if confinement exceeds ten hours in a 24-hour period. All single cells must provide a minimum of 35 square feet of unencumbered space. The illumination must be at least twenty foot-candles at desk level.

Observations: RCLEC meets the requirements of the standard.

Standard 012

Cells for Special Needs

Compliant: Yes

Every facility must have a policy, procedure and practice to provide single-occupancy cells for: inmates who may present a serious threat to the safety or security of the correctional facility, the staff, the inmate, or other inmates; inmates with severe medical disabilities; sexual predators; inmates likely to be exploited or victimized; or inmates with other special needs.

Observations: RCLEC policies 6.25, 6.26, 6.27 and procedures demonstrate compliance.

Standard 013	Multiple Occupancy Room	Compliant: Yes
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A facility may use a multiple occupancy room for medium or minimum custody inmates. Correctional staff shall classify and screen inmates before housing in multiple occupancy rooms.

Observations: RCLEC demonstrates compliance with the standard. RCLEC has four (4) separate units to house maximum, medium, or minimum custody male and female inmates.

Standard 014	Multiple Occupancy Room	Compliant: Yes
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A multiple occupancy room must contain a minimum of 25 square feet of unencumbered space per inmate. When confinement exceeds ten hours per day, at least 35 square feet of unencumbered space must be provided for each occupant.

Observations: RCLEC was constructed to meet the minimum square footage requirement.

Standard 015	Dayroom and Recreation	Compliant: Yes
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Grade one facilities must provide dayrooms that are separate from indoor recreation areas.

Observations: RCLEC meets the requirements of the standard.

Standard 016	Secure Booking Area	Compliant: Yes
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Every facility must have a booking area that is separate and secure from the public and inmate housing areas.

Observations: RCLEC meets the requirements of the standard.

Standard 017	Control Room Separation	Compliant: Yes
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Every newly constructed facility must provide a control room area that is physically separated and staffed separately from a law enforcement dispatch center.

Observations: RCLEC meets the requirements of the standard.

Standard 018	Toilet, Wash Basin, Urinals	Compliant: Yes
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Inmates, including inmates housed in medical units and infirmaries, must have access to toilets and wash basins with temperature controlled running water 24 hours a day. Inmates must be able to use toilet and wash basin facilities without staff assistance while confined to their cell or sleeping area.

- a) Multiple occupancy rooms must include toilets at a minimum ratio of one toilet per eight inmates for females and one toilet per twelve inmates for male inmates.*
- b) Urinals may substitute for up to half the toilets in male living areas.*
- c) All living areas with three or more inmates must have a minimum of two toilets.*
- d) Washbasins must be provided at a ratio of at least one washbasin for every twelve inmates.*
- e) A facility may have a cell, or cells, without an above-floor toilet or washbasin when it is necessary for the temporary housing of an inmate who is under close observation because of destructive or self-destructive behavior.*

Observations: RCLEC meets the requirements of the standard.

Standard 019	Shower Temp and Ration	Compliant: Yes
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Grade one, two, and three facilities must provide showers that are available to all inmates. Facility showers must maintain the water temperature between 100 to 120 degrees. The facility shall provide showers at a ratio of not less than one shower per twelve inmates.

Observations: Two (2) showers were tested, and the water temperature measured between 100 to 101 degrees.

Standard 020	Recreation Areas	Compliant: Yes
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The minimum space requirements for exercise areas: (Post 1992 construction) Outdoor exercise area: 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, but not less than 1,500 square feet of unencumbered space; Covered/enclosed exercise areas in facilities of 100 or more inmates: 15 square feet per inmate for the maximum number of inmates expected to use the space at one time, with a minimum ceiling height of 18 feet, but not less than 1000 square feet of unencumbered space; Covered/enclosed exercise areas in facilities of less than 100 inmates expected to use the space at one time, with a minimum ceiling height of 18 feet, but not less than 500 square feet of unencumbered space.

Observations: RCLEC is currently classified as a grade three (3) facility. RCLEC was constructed to meet minimum square footage requirements. RCLEC has one (1) indoor recreation area with louvers for outside air.

Standard 021	Intake Requirements	Compliant: Yes
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Only staff that have completed North Dakota Correctional Officer Basic certification and Correctional Medical Training I and II, or have completed the training required under Standard 103, or are acting under the supervision of trained correctional facility staff may perform intake screenings on inmates at intake admission. Staff shall record their findings in the medical screening portion of the intake form approved by the facility health care administrator. The medical screening portion of the intake form may be completed by a licensed medical professional. Every facility must have a written policy and procedure that includes a written record of:

A. Thru N. (See Standards)

Observations: RCLEC procedures demonstrate compliance with the standard.

Standard 022	Special Needs Persons	Compliant: Yes
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Every facility housing an inmate with signs or symptoms of mental illness or emotional disturbance or who is detained pursuant to a court-ordered emergency commitment under N.D.C.C. chapter 25-03.1 shall have written policies and procedures for the placement of an inmate under close staff supervision, up to and including direct personal observation. Staff shall document the time, condition, and actions of the inmate in the designated log. As required by N.D.C.C. § 25-03.1-25(3)(b), the correctional facility may not detain an individual taken into detention solely for emergency involuntary commitment (a) if another secure facility is accessible and (b) for more than twenty-four (24) hours.

Observations: The correctional facility inspectors found the policy RCLEC provided did not comply with the standard. The correctional facility inspectors did find the procedures and practice were sound. During the interim report writing and corrective action period, RCLEC provided the correctional facility inspectors with a corrective action plan. RCLEC corrective action plan and revised policy demonstrate compliance

Standard 023	Intake File Requirements	Compliant: Yes
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Staff shall establish individual files at intake. The following minimum identification data and information must be recorded for each inmate in the facility:

A. Thru AA. (See Standards)

Observations: The correctional facility inspectors found the procedures and practice did not comply with the standard. The correctional facility inspectors did find that the policy was sound. During the interim report writing and corrective action period, RCLEC provided the correctional facility inspectors with a corrective action plan. RCLEC corrective action plan and revised procedures demonstrate compliance.

Standard 024	Facility Clothing	Compliant: Yes
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A facility may require an inmate to wear facility clothing. If inmates are required to wear facility clothing, the facility shall issue a clean set of appropriately sized jail clothing, including pants and shirt or coveralls, footwear and undergarments. Inmates may be permitted to wear their own clothing.

Observations: RCLEC procedures meet the requirements of the standard. A review of the inmate grievances supports compliance.

Standard 025	Inventory	Compliant: Yes
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Staff shall inventory and itemize all personal property, including money, taken from an inmate at intake. A record of the property must be signed by the inmate, placed in inmate's file and the

property made available to the inmate upon release, unless the property is evidence of a crime. The property room must be secure and access to the property room controlled.

Each facility shall have a written policy and procedure for inmate financial accounts for each inmate in accordance with N.D.C.C. Section 12-44.1-12.1. The policy must include procedures for the withdrawal of funds from the inmate's account for payment of the inmate's legitimate financial obligations, which include child support, restitution, and the inmate's medical, dental, and eye care costs, and for payment of the inmate's funds to the inmate if the inmate is transferred to another facility or when the inmate is discharged from the facility.

Observations: RCLEC meets the requirements of the standard. The property room was secured, and access was controlled at the time of the inspection.

Standard 026	Intake Telephone Calls	Compliant: Yes
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Every facility must have a written policy and procedure that allows a newly admitted inmate the opportunity to attempt at least one telephone call. These calls may be completed on a facility telephone or facility-approved electronic device as soon as admission process has been completed or within a reasonable time determined by the administrator. The facility shall maintain documentation of the telephone calls and, when applicable, the inmate's refusal to make a telephone call.

Observations: RCLEC policy 2.01 and procedures demonstrate compliance.

Standard 027	Orientation	Compliant: Yes
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Upon admission or as soon as practical, staff shall provide inmates orientation information in a language the inmate understands, including:

- a) Visitation;*
- b) Mail;*
- c) Contraband;*
- d) Inmate rights and responsibilities;*
- e) Prohibited acts and penalties that may be imposed;*
- f) Grievance procedures;*
- g) Health care procedures and how to access health care;*
- h) Inmate hygiene and cell sanitation responsibilities; and*
- i) PREA information.*

Staff shall document completion of the orientation and shall obtain the inmate's signature and date. If the inmate refuses, or is unable to acknowledge, the completion of orientation, correctional facility staff shall document the inmate's refusal or inability to acknowledge completion of orientation.

Observations: RCLEC meets the requirements of the standard.

Standard 028	Incident Reporting	Compliant: Yes
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Every facility must have a policy and procedure to report significant incidents occurring within the jurisdiction of the facility. Significant incidents must be reported within one hour to the DOCR Office of Facility Inspections. Every facility shall submit the Significant Incident Reporting form provided by the DOCR to the DOCR Office of Facility Inspections within 24 hours of the initial notice. Significant incidents include:

- a) Severe assaults of any individual;*
- b) Escapes and attempted escapes;*
- c) Riots, strikes, demonstrations, and disturbances;*

- d) *Refusal of medical care the health authority determined is necessary;*
- e) *Death;*
- f) *Attempted self-harm, self-harm, or suicide;*
- g) *Any incident involving staff injury caused by inmate conduct and which requires out-side medical attention;*
- h) *Disruption of essential services;*
- i) *Significant damage or destruction of facility property;*
- j) *Substantiated PREA allegations;*
- k) *Whenever a juvenile is brought into the secure area of the facility; and*
- l) *Use of Force resulting in bodily injury.*

Observations: RCLEC revised policy 6.31, and procedures demonstrate compliance.

Standard 029	Investigations	Compliant: Yes
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The facility administrator shall request an independent investigation from the North Dakota Bureau of Criminal Investigation or the North Dakota Highway Patrol following:

- a) *In-custody death of an inmate;*
- b) *Escape or attempted escape of an inmate; and*
- c) *Criminal activity committed by facility employees that results in employee or inmate bodily injury.*

The facility administrator or the DOCR Office of Facility Inspections may request an independent investigation from the North Dakota Bureau of Criminal Investigation or the North Dakota Highway Patrol following criminal activity committed by facility employees that does not result in bodily injury.

After an incident, the facility shall ensure that all evidence is collected and stored in accordance with evidence collection and chain of custody procedures and that the scene of an in-custody death or crime is preserved for law enforcement investigation.

Observations: The correctional facility inspectors found the policy did not comply with the standard. The correctional facility inspectors did find that the procedures and practice are sound. During the interim report writing and corrective action period, RCLEC provided the correctional facility inspectors with a corrective action plan. RCLEC corrective action plan and revised policy demonstrates compliance.

Standard 030	Staff Requirements	Compliant: Yes
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A facility may not detain an inmate without a trained person on duty capable of responding to the reasonable needs of the inmate. When females are housed in the facility, at least one female correctional officer must be on duty at all times in the facility. An inmate may not be placed in a supervisory capacity over other inmates.

Observations: RCLEC procedures meet the requirements of the standard.

Standard 031	Suicide Prevention Plans	Compliant: Yes
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Every facility must have a written suicide prevention plan that includes:

- a) *Identification of the warning signs and symptoms of suicidal behavior and mental illness;*
- b) *Proper response to suicide behavior or attempts;*
- c) *Referral procedures;*
- d) *Housing observation and suicide watch level procedures; and*
- e) *Follow up monitoring.*

Observations: RCLEC suicide prevention plans meet the requirements of the standard.

Standard 032	Inmate Observation	Compliant: Yes
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Every facility must have a written policy and procedure for inmate observation. Trained staff shall personally observe each inmate during each hourly period on an irregular basis. Trained staff shall personally observe inmates who exhibit suicidal tendencies, self-destructive behavior, emotional distress, or have specialized medical problems at more frequent intervals as the inmate's condition requires. Documentation of inmates in observation must include:

- a) Reason for placement;*
- b) Staff assigned to supervise;*
- c) Location, date, time, activities, and condition of inmate at each check;*
- d) Actions by agency to provide specialized outside services for inmate; and*
- e) Reason for removal from observation.*

Observations: RCLEC policy 6.22 and procedures demonstrate compliance.

Standard 033	Record Requirements	Compliant: Yes
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Every facility shall maintain a daily written record, including the date and time and the name of staff that completed the record, including:

- a) Personnel on duty;*
- b) Inmate population count, include inmates on temporary leave, which must be conducted at least three times in a 24-hour period;*
- c) Admissions and releases of inmates, including inmates transporting out of the facility along with reason of transport;*
- d) Shift activities; and*
- e) Entry and exit of physicians, attorneys, and other visitors.*

Observations: Facility log shows daily and significant events are documented in the Jail Management System.

Standard 034	Inmate Count	Compliant: Yes
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Every facility must have written policy and procedures for documented formal counts of inmates held in the facility including:

- a) Inmates out on temporary leave from the facility;*
- b) There must be a minimum of three formal counts within each 24-hour period; and*
- c) At least one of the three minimum formal counts must be completed outside a shift change, and one formal count must be a standing count.*

Observation: RCLEC shall establish procedures and adherence to stand-up count procedures. RCLEC must not allow any part of the count procedures and policy to break down. During the interim report writing and corrective action period, correctional facility inspectors were provided with procedural changes and were informed that RCLEC implemented procedural changes. RCLEC's corrective action plan demonstrates compliance.

Standard 035	Search Ground/Vehicles	Compliant: Yes
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Each facility must have a written policy and procedure governing searches of the facility and grounds, vehicles used to transport inmates, and inmate living areas.

Observations: RCLEC policy 3.03 and procedures demonstrate compliance.

Standard 036	Search Clothed/Unclothed	Compliant: Yes
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Every facility must have a written policy and procedure for clothed and unclothed searches of

inmates. The policy and procedure must include the following:

- a) Licensed medical personnel may conduct manual, visual, or instrument searches of body cavities based upon reasonable suspicion and within the scope of their licensure.*
- b) Licensed medical personnel may conduct cross-gender unclothed body searches which must be documented.*
- c) Unclothed cross-gender body searches may not be conducted on male or female inmates absent exigent circumstances. Facility staff shall document all cross gender unclothed searches of male or female inmates, including the exigent circumstances for the search.*
- d) Correctional staff may only conduct unclothed body searches of an inmate who will not be placed in the general population, including visual inspections of sexually intimate parts of the body, when the individual is in the facility for a crime of violence, a crime involving illegal drugs, or the unclothed body search is based on reasonable suspicion the inmate may be concealing drugs, weapons, or other contraband.*
- e) Correctional staff may conduct unclothed body searches, including visual inspections of sexually intimate parts of the body, of inmates who will be placed in general population.*
- f) Correctional staff may conduct unclothed body searches, including visual inspections of sexually intimate parts of the body, of inmates who have had contact visitation or who have returned to the facility after work release, work details, court appearances, or for medical care.*
- g) Unclothed body searches must be conducted where they cannot be observed by any other individuals not involved in the search. Visual inspections must be nonintrusive and not involve touching the inmate.*
- h) Cross-gender clothed or unclothed searches may not be conducted on female inmates absent exigent circumstances. Facility staff shall document all cross gender searches of female inmates, including the exigent circumstances for the search.*
- i) PREA requirements, including:*
 - 1. Staff may not search or physically examine a transgender or intersex inmate for the sole purpose of determining the resident's genital status.*
 - 2. If the inmate's genital status is unknown, it may be determined through conversation with the resident, by reviewing medical records, or, if necessary, by learning that information as part of a broader medical examination conducted in private by a medical practitioner.*
 - 3. If it is determined either through assessment or through admission by the inmate that they are transgender or intersex, the person responsible for the screening or the search shall ask the inmate if they prefer to be searched by a male or female officer and document the response.*
 - 4. If the inmate does not have a preference or if a search must be completed due to security concerns, available staff may conduct the search and document the reason the person was searched by someone, not of the resident's preferred gender.*

Observations: RCLEC policy 3.03 and procedures demonstrate compliance.

Standard 037	Use of Force	Compliant: Yes
Every facility must have a written policy and procedure governing use of force. The written policy and procedure must restrict the use of force to the safety and security of staff, inmates, and the public, protection of property, prevention of escapes, prevention of crime, when necessary to enforce facility rules and restore order, and only in accordance with legal authority. Staff shall document any use of force and submit a written report to the administrator by the end of the employee's shift. The facility shall make a reasonable attempt to video record all use of force situations. The facility shall report the use of force that results in injury in accordance with Standard 28.		

Observations: RCLEC policy 6.18 and procedures demonstrate compliance.

Standard 038	Inventory of Equipment	Compliant: Yes
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Every facility must have a written policy, procedure, and practice for a current inventory, security, control and use of keys, tools, culinary and medical supplies and equipment. The policy must include daily accountability measures for outside equipment and tools coming into the facility.

Observations: RCLEC policies 6.05, 6.12, 6.13, 6.14, and procedures demonstrate compliance.

Standard 039	Post Orders	Compliant: Yes
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Every facility shall have written post orders for every correctional officer post. Written post orders must specify the duties of each post and the procedures that must be followed to carry out the assignment. All post orders shall be reviewed annually and updated or amended as needed.

Observations: The correctional facility inspectors found discrepancies in the annual review procedures. During the interim report writing and corrective action period, the correctional facility inspectors were provided procedural changes and informed RCLEC implemented these procedural changes. RCLEC procedural changes meet the requirements of the standard.

Standard 040	Post Order Staff Review	Compliant: Yes
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All staff shall read, sign and date the post orders annually, or before beginning to work a post that the staff has not been assigned in the previous 120 days, or when the post orders are updated or amended.

Observations: The correctional facility inspectors found that the annual review procedures did not comply with the standard. During the interim report writing and corrective action period, the correctional facility inspectors were provided with procedural review changes and informed RCLEC implemented these procedural review changes. RCLEC procedural changes meet the requirements of this standard.

Standard 041	Supervisory Staff Patrols	Compliant: Yes
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Every facility shall have a written policy, procedure and practice requiring that supervisory staff shall conduct a daily patrol, including weekends and holidays, of all areas occupied by inmates and record their visits and patrols in a daily log. The sheriff or the facility administrator shall visit the facility living and activity areas at least weekly to observe living and working conditions. When the sheriff or facility administrator is not available, a supervisory official shall complete these duties. These visits and patrols must be logged.

Observations: RCLEC procedures meet the requirements of the standard.

Standard 042	Maximum Capacity	Compliant: Yes
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A facility may not operate above the capacity established by the DOCR. Every facility must have a written policy and procedure governing temporary space arrangements in case of arrests that exceed the maximum capacity of the facility.

Observations: The correctional facility inspectors found the policy did not comply with the standard. During the interim report writing and corrective action period, RCLEC provided the correctional facility inspectors with a corrective action plan. RCLEC corrective action plan and revised policy demonstrates compliance.

Standard 043	Use of Restraints	Compliant: Yes
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Every facility must have a written policy and procedure for the use of restraint devices, including use of restraints with pregnant females. The use of restraints on a female who is in active labor

and delivery is prohibited. Restraint devices may only be used as a precaution against escape, during transports, for medical reasons by direction of the medical personnel, and as a prevention against inmate self-injury, injury to others, or property damage. Restraint devices may not be applied as punishment. All decisions and actions on the use of restraints must be documented.

Observations: RCLEC policy 6.17 and procedures demonstrate compliance.

Standard 044	Transportation of Inmates	Compliant: Yes
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Every facility must have a written policy and procedure governing the transportation of inmates outside the facility. The policy must include the use of equipment during transport, the qualifications for transport officers, the use of firearms under N.D.C.C. § 12-44.1-30, the use of restraints, inmate transport clothes, and the use of escort vehicles.

Policy shall include procedures for the following:

- a) Transportation of pregnant inmates. To allow the inmate to protect herself and the fetus, facilities shall refrain from the use of restraints on pregnant inmates. Exceptions may only be permitted by written approval from the facility administrator.*
- b) The use of firearms for inmate transports. Procedures which allow staff to carry a weapon must include:*
 - 1. A requirement for intermediate weapons to be carried any time a firearm is possessed.*
 - 2. Firearms, weapons, and ammunition must be separated from inmates by the use of a caged vehicle or a chase vehicle accompanying the transport.*

As required by N.D.C.C. § 12-44.1-30, the policy must be approved by the DOCR if the facility allows any correctional officer to carry a weapon.

Observations: The correctional facility inspectors found no indication that policy 6.17 was reviewed as required by standard four (4). Policy review ensures that policies are consistent and effective. During the interim report writing and corrective action period, the correctional facility inspectors were provided with policy review changes. RCLEC has implemented these policy review changes. RCLEC revised policy and procedures demonstrate compliance.

Standard 045	Transfer of Inmate Files	Compliant: Yes
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Every facility must have a written policy and procedure governing the transfer of a discharge summary of the inmate's medical, dental, mental health and forensic records when the inmate is transferred to another correctional facility. A correctional facility may transfer complete medical, dental, mental health and forensic records to a correctional facility receiving an inmate upon the request of the facility. Prescription medications shall be transferred with the inmate.

Observations: RCLEC meets the requirements of the standard. RCLEC has a standardized form for recording the medical conditions and history of offenders being transferred to another county's jail.

Standard 046	Notifications	Compliant: Yes
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Every facility must have a written policy and procedure governing the notification of victims and witness in accordance with North Dakota law. At minimum, the policy and procedure must include a process for ensuring the collection, storage, and accuracy of offender and victim and witness information; the confidentiality of victim and witness information; a timely notification method; a way to document notification; and a process to follow up with notifications, if needed, and in compliance with the statewide automated victim information and notification (SAVIN) system.

Observations: RCLEC procedures meet the requirements of the standard.

Standard 047	Inmate Work	Compliant: Yes
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A facility may require sentenced inmates to perform work. The correctional facility may not require a pre-trial detainee to perform work except routine general housekeeping duties. A facility may allow a pre-trial detainee to perform work only upon the request or consent of the pre-trial detainee. A facility shall provide safety training to inmates prior to work assignment. A facility shall maintain documentation of the training. A facility health care provider shall screen the inmate prior to assignment to work.

Observations: RCLEC meets the requirements of the standard. The facility does not utilize inmate workers.

Standard 048	Health Care Administrator	Compliant: Yes
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A facility administrator shall designate a health agency, licensed physician, nurse practitioner, or a physician's assistant, to be the health care authority. The health care authority shall be responsible for health care administration and development of health care policies and procedures. The facility administrator shall maintain a copy of the credentials of persons providing health care in the facility.

Medical and Mental health decisions are the sole province of the responsible medical or mental health clinician and may only be countermanded by non-clinicians with the approval of the responsible medical or mental health clinician.

Observations: RCLEC meets the requirements of the standard.

Standard 049	Access to Medical Care	Compliant: Yes
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Every facility must have a written policy and procedure for receiving and documenting inmate health issues on a daily basis, including that inmates have access to medical care including physical, mental health, eye care and dental care. This procedure must provide that the medical administrator receives all sick call requests. Sick call for Grade one and grade two facilities must be provided by a licensed medical professional at least once per week.

Adequate staff, space, equipment, supplies, and materials must be provided if health care is delivered in the correctional facility. The cost of medical care may be subject to payment by or reimbursement from the inmate. Inmates may not be denied access to medical care because of their inability to pay costs.

Observations: RCLEC policy 5.01 and procedures demonstrate compliance.

Standard 050	First Aid and CPR	Compliant: Yes
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At least one employee and as many additional employees as needed to comply with Standard 57 must be on duty within the facility who have current certification in basic first aid training, basic cardiopulmonary resuscitation training (CPR), and Naloxone administration.

Observations: Reviewed two (2) training records that indicate staff have received certification training in CPR and First Aid.

Standard 051	Access to Professionals	Compliant: Yes
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A licensed physician, nurse practitioner, physicians' assistant, or registered nurse must be available on-call on a 24-hour basis. Procedures to notify a licensed physician, nurse practitioner, physician's assistant, or registered nurse on duty at a hospital are sufficient. Correctional facilities in communities without a licensed physician, nurse practitioner, physician's assistant, or registered nurse must have arrangements to provide health care to an inmate on the same basis as any

resident of the community. The inmate must be transported to an appropriate health care facility or a licensed physician, nurse practitioner, physician's assistant, or registered nurse must be brought to the correctional facility.

Observations: RCLEC meets the requirements of the standard.

Standard 052	Health Care Administrator	Compliant: Yes
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Every facility must have a training program approved by the health care administrator that includes:

- a) Response to emergency health related situations;*
- b) Recognition of signs and symptoms and knowledge of action required in potential emergencies;*
- c) Administration of first aid and cardiopulmonary resuscitation;*
- d) Methods of obtaining assistance;*
- e) Recognition of signs and symptoms of mental illness, intellectual disability, emotional disturbance, and chemical dependency;*
- f) Procedures for patient transfers to appropriate medical facilities or health care providers; and*
- g) If medications are delivered to inmates by staff within the facility, staff must be trained in and currently certified in accordance with N.D.C.C. § 12-44.1-29.*

Observations: RCLEC has a training program that demonstrates compliance.

Standard 053	Treatment of Injuries	Compliant: Yes
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Every facility must have a written policy and procedure to provide medical care for anyone injured within the facility.

Observations: RCLEC policy 5.01 and procedures demonstrate compliance.

Standard 054	Medical Supplies	Compliant: Yes
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Every facility shall maintain a first aid kit, emergency medical supplies equipment, and automatic external defibrillator (AED). The health care administrator shall determine the contents, locations, and procedures for inspection of the kits, including a schedule and checklist to be used when inventorying the contents.

Observations: RCLEC meets the requirements of the standard.

Standard 055	Separation of Inmate Files	Compliant: Yes
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Every facility shall maintain the confidentiality of an inmate's medical, psychological, and treatment records. The medical records file must be separate from the correctional facility confinement records.

- a) The inmate's medical, psychological, and treatment records may only be disclosed in accordance with NDCC 12-44.1-28, which requires that a court may order the inspection of the records, or parts of the records, upon an application to the court and a showing there is a proper and legitimate purpose for the inspection and the provision of written authorization from the inmate for the inspection.*
- b) Except for drug and alcohol treatment records, this requirement does not apply to criminal justice agencies, the Department of Corrections and Rehabilitation, other federal, state, or local correctional facilities receiving custody of the inmate, a municipal or state district court, the Department of Human Services, public hospitals or treatment facilities, or licensed private hospitals or treatment facilities.*
- c) Records of an inmate's identity, charges, criminal convictions, bail information, and intake*

date and projected release dates are open records.

- d) Records of a sentenced inmate's institutional discipline and conduct and protective management are exempt records under North Dakota Century Code Section 44-04-17.1.*
- e) Institutional discipline and conduct and protective management records of all other inmates are confidential records and may only be disclosed in the same manner as an inmate's medical, psychological, and treatment records.*

Observations: Medical files are maintained in the medical provider's office.

Standard 056	Inmate Health Appraisals	Compliant: Yes
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A licensed physician, nurse practitioner, physician's assistant, registered nurse, or other qualified person the health care administrator may authorize, shall perform a health appraisal for each inmate detained in a grade one or grade two facility within fourteen days of the inmate's admission. The health care administrator shall determine the nature and extent of the health appraisal. The health care administrator may require a health appraisal at an earlier date if the health care administrator determines it is necessary.

The health appraisal must include:

- a) Tuberculosis testing and documented results, if required by guidance provided by the North Dakota Department of Health;*
- b) Review of admission medical and mental health screening;*
- c) Collection of additional data to complete the medical, eye care, dental, mental health, and immunization histories;*
- d) Recording of height, weight, pulse, blood pressure and temperature;*
- e) Laboratory or diagnostic tests and examinations the health care administrator may deem necessary;*
- f) Review of medical examination results;*
- g) Every inmate who is convicted of a crime and further imprisoned for fifteen days or more in a grade one or grade two jail or regional correctional center must be tested for the presence of antibodies to or antigens of the human immunodeficiency virus (HIV) in accordance with N.D.C.C. Section 23-07-07.5 within thirty (30) days or prior to release, whichever occurs first. The results of any positive test or reactive result must be reported to the North Dakota Department of Health and the inmate tested in accordance with Section 23-07-02.1; and*
- h) Inmates shall be medically screened by the facility health care provider prior to assigning inmates to a work detail.*

Every facility shall document an inmate's refusal to participate in the health appraisal in whole or in part, and the documentation placed in the inmate's medical records. If the health care administrator determines that the inmate's refusal presents a risk to the health or safety of other inmates or staff, the inmate may be separated from the inmate population until such time as the health care administrator determines that the risk no longer exists.

Observations: RCLEC procedures demonstrate compliance.

Standard 057	Health Care Orders	Compliant: Yes
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Every facility, in conjunction with the health authority, shall establish a written policy and procedures to carry out the orders of the health authority relating to an inmate's medical care. Staff shall document all treatment administered to inmates pursuant to orders of the health care administrator. Staff must be trained and able to respond to inmate medical emergencies within a four-minute response time.

Observations: RCLEC health care orders demonstrate compliance.

Standard 058	Inmate Death Notification	Compliant: Yes
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Every facility shall establish a written policy and procedures to make arrangements for notification of the next of kin or legal guardian of an inmate in case of death. The facility shall notify the county coroner and the state's forensic examiner in the event of an inmate death and comply with Standard 28.

Observations: RCLEC policy 6.31 and procedures demonstrate compliance.

Standard 059	Intoxication Management and Social Detoxification	Compliant: Yes
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Every facility must have a written policy and procedure for intoxication management that includes a definition of intoxication if the facility holds persons who appear intoxicated or under the influence of alcohol or controlled substances. A facility may not hold a person for more than 24 hours solely for intoxication management. Before a facility may hold a person for intoxication:

- a) A licensed medical provider must provide a medical discharge from care signed by a physician;*
- b) The facility must be able to provide a trained staff person within constant hearing distance of the intoxicated person; and*
- c) The facility shall comply with N.D.C.C. § 5-01-05.1.*

A facility may only provide social detoxification if the facility meets all requirements of N.D. Admin. Code Chapter 75-09-08.1.

Observations: RCLEC procedures demonstrate compliance.

Standard 060	Emergency Equipment	Compliant: Yes
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Every facility must have written policy and procedures that address the maintenance, operation, and testing of emergency equipment. The facility must have access to equipment necessary to maintain essential lights, power, and communications in an emergency. A monthly inspection or testing of equipment must be completed. Generators must be tested monthly or as recommended by the manufacturer.

Observations: RCLEC policy 6.10 and procedures demonstrate compliance.

Standard 061	Fire Prevention	Compliant: Yes
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Every facility must have a written policy and procedure specific to the facility for fire prevention to ensure the safety of inmates, staff, and visitors, including:

- a) Provision for an adequate fire protection service.*
- b) A system of fire inspection and testing of equipment including locks, keys and doors at least annually, by the authority having jurisdiction.*
- c) Availability of fire hoses or extinguishers at appropriate locations throughout the facility.*
- d) At least two documented fire drills in all facility locations annually. At least one of these drills must include the evacuation of each living area of the facility.*
- e) Fire drills should include the evacuation of all inmates unless there is a reasonable belief institutional security may be jeopardized. In that event, actual evacuation of specific inmate(s) is not required. The drills and findings shall be recorded in the facility master log.*

Observations: RCLEC policies 6.28, 6.29 and procedures demonstrate compliance.

Standard 062	Evacuation Plans	Compliant: Yes
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Every facility must have a written evacuation plan prepared in case of fire or major emergency and the plan must include:

- a) *Procedures to account for all inmates, visitors, and staff;*
 - 1. *Location of building and room plans;*
 - 2. *Evacuation routes, including exit signs for traffic flow;*
 - 3. *Locations of fire extinguishers;*
 - 4. *Location of first aid kits and AED's;*
 - 5. *Location of fire pull stations; and*
 - 6. *Plans for the immediate release of inmates from locked areas and provide for a backup system if power operated locks fail.*
- b) *The facility shall review the plan with the authority having jurisdiction annually and update the plan when necessary.*
- c) *Every facility shall complete an annual fire inspection by an independent, qualified source and provide documentation of all completed corrective actions.*

Observations: RCLEC policy 6.29 is the written plan that demonstrates compliance.

Standard 063	Emergency Plans	Compliant: Yes
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Every facility must have written plans for a response to:

An escape or attempted

- a) *escape;*
- b) *Riots, hunger strikes, hostages, and disturbances;*
- c) *Disruption of essential services; and*
- d) *Storms or other acts of nature that may affect facility operations, safety, and security.*

All facility personnel must be trained in the implementation of written emergency plans. Every facility shall review these plans annually and update when necessary.

Observations: The correctional facility inspectors found the policy did not comply with the standard. During the interim report writing and corrective action period, RCLEC provided the correctional facility inspectors with a corrective action plan. RCLEC corrective action plan and revised policy demonstrate compliance.

Standard 064	Hazardous Materials	Compliant: Yes
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Every facility must have a written policy, procedure, and practice governing the storage and use of hazardous, toxic, and caustic materials. These policies and procedures must be in accordance with all applicable laws and regulations. A right-to-know manual of Safety Data Sheets must be available for review.

Observations: RCLEC practice and procedures demonstrate compliance.

Standard 065	Boiler Inspection	Compliant: Yes
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Every facility utilizing a boiler shall comply with North Dakota Boiler Inspection requirements.

Observations: A certificate of boiler inspection is on file.

Standard 066	Laundering	Compliant: Yes
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Each inmate shall be provided:

- a) *Appropriate clean clothing, towels, and bedding. The bedding must include:*
 - 1. *Mattress, pillow and pillow case, if mattress does not have a built in pillow, two sheets or a DOCR approved alternative, including bed sleeves, at least one blanket to provide comfort to sustain summer and winter comfort zones. All mattresses must be in compliance with national regulatory authority standards.*

- b) *The opportunity to exchange or launder sheets and pillowcases at least weekly, or more frequently if directed by the administrator.*
- c) *Clothing, pillows, and bedding must be laundered prior to issuance to a newly admitted inmate.*
- d) *Inmates shall be allowed to exchange or launder clothing. Clothing, including undergarments and towels, must be exchanged or laundered not less than twice weekly.*

Observations: RCLEC complies with the standard. A review of inmate grievances supports compliance.

Standard 067	Removal of Clothing/Linen	Compliant: Yes
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A facility may remove inmate clothing or bedding from an inmate's cell when it determines it is necessary for safety, security, sanitation, or orderly operation of the facility. The facility shall have written procedures in place for the removal and return of inmate clothing and bedding from an inmate's cell. The facility staff shall document the date, time, items, and reason for removal, along with the date, time, and items returned to the inmate.

Observations: The correctional facility inspectors could not find written procedures that comply with the standard. During the interim report writing and corrective action period, the correctional facility inspectors were provided with a corrective action plan. RCLEC corrective action plan demonstrates compliance.

Standard 068	Hygiene Products	Compliant: Yes
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Inmates detained for more than twenty-four hours must be provided personal hygiene items including:

- a) *Soap suitable for the entire body;*
- b) *Toothbrush and toothpaste;*
- c) *Toilet paper;*
- d) *Feminine hygiene products; and*
- e) *Access to a shower at designated intervals to be determined by the administrator, but not less than three times per week.*

Observations: RCLEC complies with the standard. A review of inmate grievances supports compliance.

Standard 069	Grooming	Compliant: Yes
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Every facility shall establish a policy and procedure for grooming, including hair length and style and facial hair length and style. The facility's policies shall allow an inmate to request an exception to the facility's hair and facial hair restrictions, if any, based on the inmate's sincerely held religious beliefs. The facility may determine a schedule for barbering and hair care services.

Observations: RCLEC policy 7.03 and procedures demonstrate compliance.

Standard 070	Biohazard Material	Compliant: Yes
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Every facility must have written policy, procedures, and practices for the proper handling and disposal of biohazard materials.

Observations: RCLEC policy 6.13 and procedures demonstrate compliance.

Standard 071	Menu-Dietician Review	Compliant: Yes
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Grade one and two facilities shall have a licensed, registered dietician review and approve food menus annually. The approved menus shall be made available in locations accessible to all

inmates in the facility. This rule applies to in-house and contracted food services.

Observations: Menus are posted. A registered dietician conducted an annual review and signed menus.

Standard 072	Special Diets	Compliant: Yes
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Every facility must have a written policy and procedure that includes:

- a) Special diets approved by the appropriate medical or dental personnel;*
- b) Special diets for inmates whose religious beliefs require adherence to religious dietary laws; and*
- c) Prohibitions of the use of food as a disciplinary measure.*

Observations: RCLEC policy 7.01 and procedures demonstrate compliance.

Standard 073	Food Service	Compliant: Yes
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Every facility shall provide inmates at least three meals, of which two are hot meals, at regular meal times during each twenty-four-hour period, with no more than fourteen hours between the evening meal and breakfast. The facility staff shall document substitutions in the meals actually served, and substitutions must be of equal nutritional value. Every facility shall maintain accurate records of all meals served. Variations may be allowed during emergencies, for inmates on work release, and for weekends and holidays, provided nutritional requirements are met.

Observations: RCLEC meets the requirements of the standard.

Standard 074	Alternate Food Service	Compliant: Yes
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Every facility must have written policies and procedures that an alternate food service may be provided to an inmate who uses food or food service equipment in a manner that is hazardous to the inmate or other persons. Alternative food service must be on an individual basis, it must be based on health or safety considerations, it must meet basic nutritional requirements, and there must be documented approval by the jail administrator and responsible health authority. The alternate food service must be reviewed and approved every seven days by the facility administrator or designee and responsible health authority.

Observations: RCLEC policy 7.01 and procedures demonstrate compliance.

Standard 075	Food Service Inspections	Compliant: Yes
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Foodservice facilities, equipment, and employees must meet all applicable health, safety, and sanitation laws and regulations. The health authority having jurisdiction shall conduct an inspection of the food service area of each grade one, two, and three facility at least once a year. Each facility must maintain records of all inspections and all actions taken as a result of these inspections.

Observations: RCLEC health inspection was conducted and is on file with the food contractor.

Standard 076	Food Service Inspections	Compliant: Yes
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When meals are prepared in the facility, the facility shall have a written policy, procedure and practice requiring weekly health, safety and sanitation inspections by the administrator or designee and food service manager. Records of the inspections and any corrective actions shall be maintained in the facility.

Observations: RCLEC policy 7.02 and procedures demonstrate compliance.

Standard 077	Inmate Telephone Usage	Compliant: Yes
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A facility may allow an inmate to make telephone calls to persons other than the inmate's attorney within limitations set by the facility. The facility shall notify inmates at intake and shall post a notice in a location accessible to all inmates that phone calls, except to attorneys, are subject to monitoring and recording.

Observations: RCLEC addresses the requirements of the standard. Inspectors reviewed grievances that support compliance.

Standard 078	Visitation Restrictions	Compliant: Yes
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Every facility must have a written policy and procedure for inmate visitation. The facility may deny visitation or place restrictions on visitors when the facility has justification to believe the visitor presents a threat to correctional facility safety, security, order, or inmate rehabilitation. The facility shall document the justification for restricting or denying visitation.

Observations: RCLEC policy 3.13 demonstrates compliance. Facility inspectors were unable to review procedures and practice due to all visitation being canceled due to COVID.

Standard 079	Visitation	Compliant: Yes
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Every facility shall establish reasonable times for visitation. The visiting schedule must be made available in a location accessible to all inmates.

Observations: RCLEC meets the requirements of the standard.

Standard 080	Visitor Searches	Compliant: Yes
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Every facility shall have a policy, procedure and demonstrated practice governing visitation and property, including: searches of visitors, contractors, volunteers, legal counsel, and clergy. These rules must be made available to the inmates and publicly posted.

Observations: The correctional facility inspectors found that the policy did not address elements of this standard. During the interim report writing and corrective action period, the correctional facility inspectors were provided with a corrective action plan that addressed the necessary policy changes and were informed that RELEC implemented the corrective action plan. RCLEC corrective action plan demonstrates compliance. Facility inspectors were unable to review procedures and practice due to all visitation being canceled due to COVID.

Standard 081	Inmate Mail	Compliant: Yes
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Every facility must have a written policy, procedure, and practice governing incoming and outgoing general, official, and legal mail that includes:

- a) Mail depository or mail collection process;*
- b) Procedures for screening all incoming and outgoing mail;*
- c) Documenting and recording incoming and outgoing legal and official mail; and*
- d) Process for inmates to challenge mail rejections.*

Observations: RCLEC policy 3.10 and procedures demonstrate compliance.

Standard 082	Reading Materials-Access	Compliant: Yes
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Every facility must have a written policy and procedure to provide for inmate access to reading materials, magazines, newspapers, and periodicals.

Observations: RCLEC policy 3.09 and procedures demonstrate compliance.

Standard 083	Mail Rejections	Compliant: Yes
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Every facility must have a written policy and procedure governing incoming and outgoing mail, including electronic mail, and legal or official mail. In each case when it is necessary to reject or remove any item of incoming or outgoing mail, a written record must be made that includes:

- a) The inmate name and number;*
- b) A description of the mail in question;*
- c) A description of the action taken and the reason for such action;*
- d) The disposition of the item(s) involved;*
- e) Signature of the acting officer;*
- f) Written notification to the inmate and sender;*
- g) A due process procedure must be provided to the inmate allowing them to challenge the facility's rejection of mail;*
- h) The item shall not be destroyed or sent out until the process has been completed; and*
- i) Packages mailed to an inmate must be handled the same way as mail or publications.*

Observations: RCLEC policy 3.10 and procedures demonstrate compliance.

Standard 084	Attorney Telephones	Compliant: Yes
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An inmate must be allowed to make telephone calls to the inmate's attorney at reasonable times. These calls may not be audio monitored or recorded. The telephone number of an attorney who has called an inmate must be obtained, and the inmate must be permitted to return the call at a reasonable time.

Observations: RCLEC meets the requirements of the standard.

Standard 085	Attorney Visits	Compliant: Yes
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Each inmate must be allowed visits from legal counsel. Upon an inmate's request, legal counsel may visit an inmate after admission or as soon as reasonably possible. All subsequent visits by legal counsel may be restricted to reasonable hours. Visits by legal counsel may be subject to staff or video observation, but without audio-monitoring; however, when there may be observation, a notice must be posted in visiting areas. Audio or video recording of attorney visits is prohibited.

Observations: RCLEC meets the requirements of the standard.

Standard 086	Inmate Legal Material	Compliant: Yes
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Every facility must have a written policy and procedure to provide inmates who are not represented by legal counsel or by standby legal counsel, legal materials or assistance from persons trained in the law for purposes of preparing a defense in a criminal prosecution, to challenge a criminal conviction on a direct appeal, post-conviction, habeas proceedings, and to challenge conditions of confinement.

A list of persons trained in the law must be available to the inmates.

Legal materials may include:

- a) A current edition of a leading legal dictionary;*
- b) North Dakota and federal rules of civil, criminal and appellate procedure;*
- c) Rules of Court for the state of North Dakota and for the United States District Court for the district of North Dakota;*
- d) Chapters of the North Dakota century code relating to criminal procedure, substantive criminal law, and state habeas and post-conviction relief;*
- e) North Dakota cases related to criminal law and procedure;*
- f) State post-conviction forms and United States district court forms for habeas and*

- Section 1983 proceedings; and
g) Statutes and Rules applicable to federal habeas corpus and federal civil rights.

A facility may provide access to legal materials through sources approved by the administrator, including the law library of the state's attorney, materials from the law library of the district court, materials from the law library of the North Dakota Supreme Court, and may include photocopies of legal materials.

Observations: RCLEC policy 3.10 and procedures demonstrate compliance. Inmate grievances support inmate legal material requirements are being met.

Standard 087	Legal Material Sources	Compliant: Yes
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Every facility shall have a policy and procedure for inmates to obtain legal materials from sources approved by the administrator, including: State and federal court forms; Prisoner self-help manuals and access to a basic law library (e.g., local district court library, states attorney library); Postage and copying services; and Access to notary services.

Observations: RCLEC policy 3.08 and procedures demonstrate compliance.

Standard 088	Recreation and Supervision	Compliant: Yes
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Grade one and grade two correctional facilities shall provide inmates the opportunity for a minimum of one hour of daily programming outside their cells unless there is documented rational for withholding programming. One hour of programming must include the opportunity for physical exercise in a recreation area.

Facilities that have recreation areas shall have policies for recreation, whether it is indoor or outdoor.

Each facility that has a secure outdoor recreational area for inmate use must have trained staff that must provide direct visual observation of all inmates in the outdoor recreational area at all times.

Observations: RCLEC procedures demonstrate compliance. A review of inmate grievances supports compliance with the standard.

Standard 089	Non-Discrimination	Compliant: Yes
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Each facility must have a written policy and procedure for the practice of religion. Inmates have the right to reasonable opportunities to exercise their religious beliefs, subject to limitations reasonable related to correctional facility safety and security.

Inmates may not be subjected to discrimination because of race, religion, genetics, sex, sexual orientation, gender identity, origin, creed, nationality, or disability, and shall receive equal treatment under all policies and procedures of this facility.

Observations: RCLEC policy 4.01 and procedures demonstrate compliance.

Standard 090	Abuse and Harassment	Compliant: Yes
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Every facility must have a written policy and procedure to protect inmates from personal abuse, corporal punishment, personal injury, disease, property damage, and harassment.

Observations: RCLEC policy 4.01 and procedures demonstrate compliance.

Standard 091	Grievance Procedure	Compliant: Yes
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Every facility must have a written policy and procedure to allow inmates to file grievances. Staff may not retaliate against inmates who file grievances. The policy and procedure must include:

- a) Forms on which an inmate may report a grievance;*
- b) The facility shall provide a written report setting forth the results of the investigation and any recommendation for the disposition of the grievance to the inmate and shall file the report in the correctional facility records;*
- c) Timeline for inmate reporting and staff response prescribed reasonable time limit, with special provisions for responding to emergencies; and*
- d) The facility shall provide at least one level of appeal which may not be reviewed by the same individual who initially reviewed the grievance. The reviewing authority shall document the findings and the disposition of the appeal. The facility shall provide a copy of the appeal report to the inmate and shall file the appeal report in the correctional facility records.*

Observations: RCLEC policy 4.02 and procedures demonstrate compliance.

Standard 092	Rules of Inmate Conduct	Compliant: Yes
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Every facility shall establish written rules of inmate conduct that specify acts prohibited in the correctional facility and the disciplinary sanctions that may be imposed for facility rules violations. The facility shall make these rules available to all inmates and establish procedures to ensure that all inmates understand the rules and sanctions that may be imposed. Facility staff shall document disciplinary action of any kind and the administrator shall review disciplinary action involving fines, fees, restitution, or the extension of time to serve to ensure compliance with clearly established law and facility policy.

Every Grade one and Grade two correctional facility must have a written policy and procedure for inmates to earn sentence reduction credit based upon performance criteria established by the facility administrator. Sentence reduction credit includes credit for time spent in custody prior to sentence when ordered by the sentencing court. An inmate may not earn more than a one-day sentence reduction credit per six days served.

Facility staff shall notify inmates in instances where an inmate is alleged to have committed a crime that the case may be referred to law enforcement officials for criminal investigation and possible prosecution in addition to facility discipline.

Observations: RCLEC policy 4.03 and procedures demonstrate compliance.

Standard 093	Levels of Violations	Compliant: Yes
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Every facility shall have written policy, procedure, and practice, including at least two levels of violations, sanctions for each level, and the use of pre-hearing detention. The policy shall include procedures that reflect the following:

- a) For pre-trial and post-conviction inmates, violations involving possible sanctions of (1) fines, fees, or restitution; (2) adverse impact on release date; or (3) more than 5 days of disciplinary restrictive housing, restriction to quarters, or work without pay require due process (a disciplinary hearing as outlined in Standard 96 and a twenty-four-hour notice of the charges prior to the hearing).*
- b) Additionally, for pre-trial inmates, violations involving possible sanctions of 5 or less days of disciplinary restrictive housing, restriction to quarters, or work without pay require due process (a disciplinary hearing as outlined in Standard 96 and a twenty-four hour notice of the charges prior to the hearing).*

The policy may permit the inmate to waive the twenty-four hour notice in writing.

Observations: The correctional facility inspectors found that the facility policy does not address all the elements that are required in this standard. During the interim report writing and corrective action period, the correctional facility inspectors were provided with a corrective action plan to address this standard's elements. RCLEC corrective action plan demonstrates compliance.

Standard 094	Disciplinary Reports	Compliant: Yes
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Disciplinary reports must include:

- a) Specific rules violated;*
- b) A formal statement of the charge, or charges;*
- c) An explanation of the violation, including: who, what, when, where, why and how, and any immediate action taken by staff;*
- d) Disposition of any physical evidence;*
- e) Staff and inmate witnesses and statements;*
- f) Date and time the report is completed and reporting staff signature; and*
- g) If disclosure of information used in the finding of guilt may pose a risk to the safety or security of the facility, staff, or inmates, including information received from a confidential informant, the facility may withhold disclosure of the information. When this occurs, there must be a document that provides a clear rationale for that action maintained with the record. A summary of the confidential information must be given to the inmate unless the disclosure of the information could jeopardize the safety or security of the facility or person.*

Observations: RCLEC disciplinary reports demonstrate compliance. The inspectors did not have a practice to review at the time of inspection.

Standard 095	Pre-Hearing Housing	Compliant: Yes
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Inmate may be placed in restrictive housing for a violation of the facility rules prior to a disciplinary hearing. This action must be documented, and a disciplinary hearing shall follow within seven days unless authorized by the jail administrator.

Observations: RCLEC procedures demonstrate compliance. The inspectors did not have a practice to review at the time of inspection.

Standard 096	Hearing Requirements	Compliant: Yes
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Every facility must have a written policy and procedure that requires:

- a) The disciplinary hearings are conducted by an impartial person or panel of persons;*
- b) The inmate has the right to appear at the hearing and testify;*
- c) For major violations the inmate must be allowed to call witnesses and present documentary evidence in the inmate's defense if permitting the inmate to do so will not jeopardize security, order, or rehabilitation. Reasons for not allowing the inmate to call witnesses must be documented in the hearing record;*
- d) A written record must be made of the disciplinary hearing decision. The disciplinary hearing decision must include a summary of the evidence, findings of fact that establish the guilt or innocence of the inmate, and an explanation for disciplinary sanctions imposed. Any confidential informant information must be separately documented. A copy of the disciplinary hearing decision and evidence relied upon must be given to the inmate, but confidential information that could jeopardize the safety or security of the facility or person may be excluded;*
- e) When sanctions involve restrictive housing, fines, fees, restitution or may affect their release date, inmates have the right to appeal decision to the administrator or an independent authority; and*

- f) Any disciplinary action recommended by the hearings officer(s) may be reduced on appeal but not increased.

Observations: RCLEC policy 4.03 demonstrates compliance. The inspectors did not have a practice to review at the time of inspection.

Standard 097	Restrictive Housing	Compliant: Yes
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If a facility utilizes disciplinary restrictive housing or administrative restrictive housing, it must have a written policy, procedure, and practice consistent with Standard 93 and Standard 98 for use of restrictive housing and for supervision of inmates while in this status.

Observations: RCLEC policy 6.25 demonstrates compliance. The inspectors did not have a practice to review at the time of inspection.

Standard 098	Use of Restrictive Housing	Compliant: Yes
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Every facility shall have a written policy, procedure, and practice to authorize the use of administrative restrictive housing without notice and hearing for inmates (pre-trial or post conviction) who may need protection from other inmates, or present a serious threat to the safety or security of the facility, to themselves, or to any person. The policy must include procedures that reflect the following:

- a) When inmates are placed in immediate restrictive housing, facility staff shall document the reasons they were placed in administrative restrictive housing.*
- b) Placements in administrative restrictive housing must be reviewed within 72 hours by the facility administrator. The facility administrator shall document the review.*
- c) Placements in administrative restrictive housing must be reviewed at least every seven (7) days by the facility administrator. The facility administrator shall document the reason for release or continued placement.*

Observations: RCLEC policy 6.25 demonstrates compliance. The inspectors did not have a practice to review at the time of inspection.

Standard 099	Restriction of Activities	Compliant: Yes
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When inmates are not provided any usually authorized item or activities, including visitation, facility staff shall make a report of the action and provide the report to the facility administrator.

Observations: RCLEC meets the requirements of the standard. The inspectors did not have a practice to review at the time of inspection.

Standard 100	Showering and Shaving	Compliant: Yes
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Inmates in restrictive housing must have the opportunity to shower at least three times per week. Shaving may be allowed according to the facility schedule.

Observations RCLEC meets the requirements of the standard. The inspectors did not have a practice to review at the time of inspection.

Standard 101	Restriction-Telephone Calls	Compliant: Yes
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Inmates in restrictive housing may be allowed telephone calls related specifically to access to the courts and family emergencies as determined by the facility administrator.

Observations: RCLEC meets the requirements of the standard. The inspectors did not have a practice to review at the time of inspection.

Standard 102	Restrictive Housing Review	Compliant: Yes
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Inmates in restrictive housing after seven continuous days are afforded at least one hour outside their cell, five days per week, unless the facility administrator can document with clear rational for denial.

Observations: RCLEC procedures demonstrate compliance. The inspectors could not collect any additional information because the facility did not have a practice to review.

Standard 103	Staff Orientation/Training	Compliant: Yes
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Every facility must have a written policy and procedures requiring all correctional officers participate in a documented orientation training program prior to independent assignment. The orientation program must meet the particular needs of the correctional facility and must include at a minimum:

- a) Facility policy and procedures;*
- b) All emergency procedures to include basic first aid, CPR, and Naloxone administration;*
- c) Classification of prisoners;*
- d) Booking procedures, including medical and mental health screening;*
- e) Use of force;*
- f) Suicide behavior, response, intervention, and observation;*
- g) Victim notification in accordance with state law; and*
- h) Prison Rape Elimination Act (PREA).*

Grade one facilities may provide the training required in section b at any time within the first year of employment and may work independently prior to its completion, provided the facility has sufficient employees on shift to comply with Standards 50 and 57.

Observations: The correctional facility inspectors reviewed three (3) training files. RCLEC has a training program which complies with standard, however files provided do not support these programs were fully completed. During the interim report writing and corrective action period, the correctional facility inspectors were provided with a corrective action plan and were informed that RELEC will implement the corrective action plan. RCLEC corrective action plan demonstrates compliance.

Standard 104	Staff Training	Compliant: Yes
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All administrators and staff who work in direct and continuing contact with inmates shall within their first year of employment receive training determined and approved by the North Dakota Peace Officer Standards and Training (P.O.S.T.) Board and shall receive an additional forty-eight hours of training during every three year period following the first day of January after the date of employment. The training must include the following:

- a) Recertification for CPR and Naloxone every two years;*
- b) Recertification for Certified Medication Technician (CMT 2) every four years; and*
- c) Annual suicide prevention training for staff with responsibility for inmate supervision.*

Observations: The correctional facility inspectors reviewed two (2) training files, which indicate that the training records are not organized, and the files did not contain all the documentation. During the interim report writing and corrective action period, the correctional facility inspectors were provided with a corrective action plan and were informed that RELEC will implement the corrective action plan. RCLEC corrective action plan demonstrates compliance.

Standard 105	Staff Certification	Compliant: Yes
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The North Dakota Peace Officer Standards and Training (P.O.S.T.) Board shall determine the

North Dakota Correctional Officer Training necessary to achieve North Dakota certification.

- a) Correctional staff that has completed correctional officer training outside the State of North Dakota may submit the training record to the P.O.S.T. Board for review and shall complete any portion of North Dakota Correctional Officer Training as determined by the Board.*
- b) Any person who has completed North Dakota Correctional Officer Training and has not been employed as a North Dakota Correctional Officer for one year, but less than three years, shall complete any portion of North Dakota Correctional Officer Training as determined by the Board.*
- c) Any person who has completed North Dakota Correctional Officer Training and has not been employed as a North Dakota Correctional Officer for three years or more shall complete North Dakota Correctional Officer Training.*

Observations: RCLEC meets the requirements of the standard.

Standard 106	Security Equipment	Compliant: Yes
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Every facility shall have a written policy, procedure, and practice covering the use, issuing, storage, training, inventory, and maintenance of security equipment, weapons, and firearms.

Observations: The correctional facility inspectors found that procedures and practices covering the use, issuing, storage, training, inventory, and maintenance of security equipment, weapons, and firearms were in place. RCLEC policy and procedures demonstrate compliance.

Standard 107	Grade Four Requirements	Compliant: N/A
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Grade four facilities:

- a) Must be staffed by a licensed peace officer or a trained correctional officer;*
- b) May not detain an inmate for more than eight hours or overnight;*
- c) Shall provide meals to inmates detained more than four hours;*
- d) Facility staff shall personally observe each inmate at least every thirty minutes on an irregular basis and shall document when they observed each inmate and what they observed;*
- e) May not detain an inmate under the age of eighteen; and*
- f) Must complete a yearly fire inspection per Standard 63 of the North Dakota Correctional Facility Standards.*

Current grade four facilities are not subject to requirements of 28 Code of Federal Regulations Part 115 (PREA).

Observations: RCLEC is a grade three (3) correctional facility.

Standard 108	Inmate Population	Compliant: Yes
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Pursuant to N.D.C.C. §12-44.1-07.1, every Grade one and Grade two correctional facility, in cooperation with law enforcement, state's attorneys, and the judiciary in which the correctional facility is located, shall develop an inmate population plan to prioritize inmate admissions and inmate retention, including alternatives to physical custody for individuals under charge or conviction of an offense. This standard does not apply when there are exigent circumstances that may affect the correctional facility's operations and inmate population, including acts of God and mass arrests.

Observations: At the time of inspection, the facility is a grade three (3) facility; however, RCLEC has an inmate management plan.

END OF REPORT



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